

# **REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL**

Subsection (b) of 35 U.S.C. §132, effective on May 29, 2000, provides for continued examination of a utility or plant application filed on or after June 8, 1995.

See the American Inventors Protection Act of 1999 (AIPA).

Application Number	09/904,011
Filing Date	July 11, 2001
First Named Inventor	Ashkenazi, et al.
Group Art Unit	1647
Examiner Name	Saoud, Christine J.
Attorney Docket Number	39780-1618P2C8

**This is a Request for Continued Examination (RCE) under 37 C.F.R. §1.114 of the above-identified application.**

**NOTE:** 37 C.F.R. § 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. s 1.53(d) (PTO/SB/29) instead of a RCE to be eligible for the patent term adjustment provisions of the AIPA. See Changes to Application Examination and Provisional Application Practice, Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office 47 (Apr. 11, 2000), which established RCE practice.

## 1. Submission required under 37 C.F.R. §1.114.

- a. ☐ Previously submitted
- i. ☐ Consider the amendment(s)/reply under 37 C.F.R. §1.116 previously filed on  
(Any unentered amendment(s) referred to above will be entered)
- ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on
- iii. ☐ Other
- b. ☒ Enclosed
- i. ☒ Preliminary Amendment
- ii. ☒ Affidavit(s)/Declaration(s) — Declaration of Sherman Fong, Ph.D. w/CV
- iii. ☐ Information Disclosure Statement (IDS)
- iv. ☒ Other — Exhibits A-E

## 2. Miscellaneous

- a. ☐ Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F. R. § 1.17(i) required)
- b. ☐ Other

## 3. Fees The RCE fee under 37 C.F.R. §1.17(e) is required by 37 C.F.R. § 1.114 when the RCE is filed.

- a. ☒ The Director is hereby authorized to charge the following fees, or credit any overpayments to Deposit Account No. 08-1641 (Docket No. 39780-1618P2C8)
- i. ☒ RCE fee required under 37 C.F.R. § 1.17(e) (RCE filing fee = \$770.00)
- ii. ☒ Extension of time fee (37 C.F.R. §§ 1.136 and 1.17) (One-month EOT = \$110.00)
- iii. ☐ Other
- b. ☐ Check in the amount of \$ enclosed
- c. ☐ Payment by credit card (Form PTO-2038 enclosed)
- 09/08/2004 SDENBOB1 00000003 081641 09904011  
01 FC:1801 770.00 DA  
02 FC:1251 110.00 DA

## **SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED**

Name (Print/Type)	Daphne Reddy	Registration No. (Attorney/Agent)	53,507
Signature	<i>Daphne Reddy</i>	Date	September 2, 2004

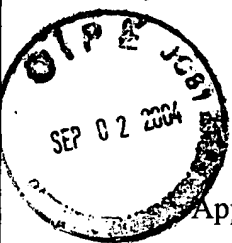
## **CERTIFICATE OF MAILING OR TRANSMISSION**

I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post office to Addresses" service under 37 C.F.R. §1.10 on the date indicated below and addressed to: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on this date: **September 2, 2004**

Name (Print/Type)	Cheryl Rogers	Date: <b>September 2, 2004</b>
Signature	<i>Cheryl Rogers</i>	Express Mail Label: <b>EL 993 689 885 US</b>

**Burden Hour Statement:** This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. **DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND Fees and Completed Forms to the following address: Mail Stop \_\_\_, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**





IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Ashkenazi, et al. Docket No.: 39780-1618P2C8  
Serial No.: 09/904,011 Group Art Unit: 1647  
Filing Date: July 11, 2001 Examiner: Saoud, Christine J.  
For: **SECRETED AND TRANSMEMBRANE POLYPEPTIDES AND  
NUCLEIC ACIDS ENCODING THE SAME**  
*Express Mail Label No.: EL 993 689 885 US*  
*Mailing Date: September 2, 2004*

**PRELIMINARY AMENDMENT**

**MS: RCE**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Dear Sir:

This Preliminary amendment accompanies a Request for Continued Examination (RCE) under 37 CFR § 1.114 for the above identified application. A final rejection was sent on May 10, 2004 in this case. This filing is timely filed concurrent with a Petition for Extension of Time for one month. Attached herewith is a Declaration by Sherman Fong, Ph.D. with five exhibits: (1) Current Protocols in Immunology, Vol. I, Unit 3.12 by Richard Coico, (2) an article by Ralph Steinman, (3) an article by Gubler et al., (4) an article by Peterson et al., and (5) an article by Thurner et al. Please enter the following amendments, and consider the following arguments.

**Amendments to the Claims** are reflected in the listing of claims that begins on page 2 of this paper.

**Remarks/Arguments** begin on page 3 of this paper.